IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO. 425 OF 1992

Harish Chanjuram Bhantora
& Ors. ..Appellants

versus

Rajesh C. Doshi & Ors. ..Respondents

Mr. D. R. Mahadik with S. R. Singh for the Appellants.
Mr. M. P. Wamorkar i/b. M/s. Marovoor Wamorkar & Co. for the Respondents.

CORAM : D. G. DESHPANDE,J.

DATE : 24TH MARCH, 2005

ORAL ORDER :

1. Heard learned counsel for the parties.

2. Appeal is filed by the driver, owner of the vehicle and the Insurance Company against the award passed by MACT, Nashik, awarding compensation at Rs.2,60,000/- with interest at the rate of 12% per annum.

3. The Appellant driver and owner did not examine themselves and did not throw light on the

circumstances in which the accident took place, therefore the findings of the trial court fixing liability upon them are not required to be disturbed.

4. However, so far as quantum is concerned, the age of the parents was 60 and 45 respectively i.e. father and mother. Tribunal applied multiplier of 25, that was much in excess of the permissible limits. Contribution to the family was taken as Rs.800/- that was proper, and, therefore in view of this, compensation is required to be redetermined.

5. Contribution to the family from the son is Rs.800/- per month multiplier of 10 can be applied. Therefore, Rs.800/- x 12 x 10 = Rs.96,000/- plus parents will be entitled to Rs.20,000/- for the loss of consortium and Rs.3,000/- for funeral expenses, the total comes to Rs.96,000/- = Rs.20,000/- + Rs.3,000/- = Rs.1,19,000/-. Hence, following order:

ORDER

. Appeal is partly allowed.

. Compensation awarded by the Tribunal at Rs.2,60,000/- is reduced to Rs.1,19,000/-. Rest of the order to remain the same. No order as to costs

so far as this Appeal is concerned.

. Respondents will refund balance amount, if any, in favour of the Appellant No.3 after making calculations in the above manner within ten weeks from today.

24.03.2005 (D.G. DESHPANDE, J.)